

Regional  
Counsel  
Second District



Mark Brewer <mbrewer@flrc2.org>

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## Public Records Request: Scott Huminski

1 message

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Mark Brewer <mbrewer@flrc2.org>  
To: 66505-48628984@requests.muckrock.com

Thu, May 2, 2019 at 2:47 PM

We are in receipt of your request for documents under the Florida Public Records Law, Chapter 119 et seq, Florida Statutes.

Your request is for many documents unrelated to our brief representation of Mr. Huminski.

As such, we are mailing you every document in our database related to Mr. Huminski.

It is being mailed out First Class today and you should be receiving it soon.

Because the cost to produce and copy the documents is de minimus, there is no charge.

Upon receipt, please let me know if these documents are not responsive to your request.

--

Mark P. Brewer  
Twelfth Judicial Circuit Chief  
Criminal Conflict and Civil Regional Counsel  
Second District of Florida  
2033 Main Street - Suite 517  
Sarasota, FL 34237-6058  
Telephone: (941) 316.8348  
Facsimile: (941) 316.8351  
mbrewer@flrc2.org

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT,  
IN AND FOR LEE COUNTY, FLORIDA

CIVIL CASE CAPTION

SCOTT HUMINSKI,  
Plaintiff

Civil Case No.: 17CA421

v.

TOWN OF Gilbert, AZ, et al

Criminal Case No. 17-MM-000815

DESCRIPTION OF SCOTT HUMINSKI	
GENDER: Male RACE: Caucasian HEIGHT: approx. 5 ft 10 in. WEIGHT: ? DOB: 12/1/59	EYE COLOR: ? HAIR COLOR: Brown LAST KNOWN ADDRESS: 24544 Kingfish St. Bonita Springs, FL 34134

ORDER TO SHOW CAUSE

This cause comes before the court for review based upon the alleged conduct of SCOTT HUMINSKI for the issuance of an Order to Show Cause directed to SCOTT HUMINSKI for violation of the Orders set forth below copies of which are attached hereto and made a part hereof.

The Orders that SCOTT HUMINSKI is alleged to be in violation of are:

DATE executed by Court	CASE No.	ORDER TITLE
4/19/17	17CA421	Order on Defendant Mike Scott's Motion to Dismiss and Motion for Protective Order (specifically Paragraphs 1, 2 & 7) – attached hereto as Exhibit A
4/19/17	17CA421	Order on Scribd, Inc's Motion to Dismiss Plaintiff's Verified Complaint for Declaratory, Injunctive and

		Other Relief (specifically Paragraph 2) – attached hereto as Exhibit B
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**COUNT 1: INDIRECT CRIMINAL CONTEMPT**

In the Order on Defendant Mike Scott's Motion to Dismiss and Motion for Protective Order, SCOTT HUMINSKI was specifically ordered that any further pleadings be signed by a licensed attorney representing the Plaintiff (Paragraph 7). In the Order on Scribd, Inc's Motion to Dismiss Plaintiff's Verified Complaint for Declaratory, Injunctive and Other Relief, SCOTT HUMINSKI was specifically ordered not to file any additional documents or materials of any nature with the Court unless the filing was signed by an attorney and specifically provided that an Order to Show Cause might be entered against him if he did so (Paragraph 2). SCOTT HUMINSKI has continued to file multiple documents in the Court file in contradiction to these Orders as evidenced by the attached composite Exhibit C.

**COUNT 2: INDIRECT CRIMINAL CONTEMPT**

In the Order on Defendant Mike Scott's Motion to Dismiss and Motion for Protective Order, SCOTT HUMINSKI was specifically prohibited from directly contacting, communicating with or otherwise serving materials directly on Sheriff Scott, his agents and employees (see Paragraph 1 & 2). SCOTT HUMINSKI was specifically ordered to direct such contact to counsel for Mike Scott (see Paragraph 2). SCOTT HUMINSKI has repeatedly violated this Order by contacting Sheriff Scott, his agents and employees since the execution of the Court's orders – see the emails attached as composite Exhibit D.

NOW, THEREFORE, you SCOTT HUMINSKI are hereby ORDERED to appear before this court before Judge KRIER on THURSDAY, 6/29/17, at 1:30 p.m., in Room 4H of the Lee County Courthouse, located at 1700 Monroe Street, Ft. Myers, Florida 33901, to be arraigned. THIS IS A CRIMINAL PROCEEDING. A subsequent trial will be scheduled requiring Respondent to show cause why he should not be held in contempt of this court for violation of the above Orders. Punishment, if imposed, may include a fine and incarceration. Should the court determine, based on the evidence presented at trial, that the conduct of SCOTT HUMINSKI warrants sanctions for civil contempt in addition to or instead of indirect criminal contempt, the court reserves the right to find him guilty of civil contempt and impose appropriate civil sanctions.

IF YOU FAIL TO APPEAR as set forth above, a warrant for your arrest or a writ of bodily attachment may be issued to effectuate your appearance.

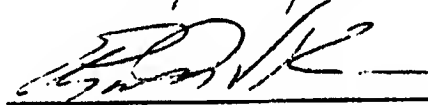
The court hereby appoints the STATE ATTORNEY's OFFICE to prosecute the case.

The Court hereby advises SCOTT HUMINSKI that he is entitled to be represented by counsel and if he can't afford an attorney, that one may be appointed for him in this criminal contempt proceeding ONLY (not in the civil Case). This Court hereby appoints the PUBLIC DEFENDER's OFFICE to provisionally represent SCOTT HUMINSKI at the above Arraignment proceeding pending a determination of indigency. This Court anticipates that SCOTT HUMINSKI will be found to be indigent.

**If you are a person with a disability who needs any accommodation to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact: Court Administration at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**

IT IS FURTHER ORDERED that the Sheriff of this County serve this Order to Show Cause by delivering copies to SCOTT HUMINSKI, with proof of Sheriff's service.

DONE AND ORDERED in Lee County, Florida, on 6/5/17.



Circuit Judge, Elizabeth V. Krier

Copies to:

- ☒ State Attorney's Office
- ☒ Public Defender's Office

6/5/17  
m

S. Douglas Knox & Keely Morton, attorneys for Defendant-City of Glendale at [douglas.knox@quarles.com](mailto:douglas.knox@quarles.com); [keely.morton@quarles.com](mailto:keely.morton@quarles.com); [docketfi@quarles.com](mailto:docketfi@quarles.com)  
 Robert D. Pritt & James D. Fox, Attorneys for City of Surprise, AZ at [serve.rpritt@ralaw.com](mailto:serve.rpritt@ralaw.com); [jfox@ralaw.com](mailto:jfox@ralaw.com); [serve.fox@ralaw.com](mailto:serve.fox@ralaw.com)  
 Robert Sherman, attorneys for Defendant-Sheriff Mike Scott at [Robert.sherman@henlaw.com](mailto:Robert.sherman@henlaw.com); [Courtney.ward@henlaw.com](mailto:Courtney.ward@henlaw.com)  
 Kenneth R. Drake & Doron Weiss, attorneys for SCRIBD, INC. at [kendrake@dldlawyers.com](mailto:kendrake@dldlawyers.com); [dweiss@dldlawyers.com](mailto:dweiss@dldlawyers.com)

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR  
LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA

CASE NO: 17-MM-000815 - (JRA)  
(AWK)

vs.

SCOTT ALAN HUMINSKI

---

ANSWER TO DEMAND FOR DISCOVERY

COMES NOW the STATE OF FLORIDA, by and through the undersigned Assistant State Attorney, pursuant to Defendant's Notice of Discovery, and pursuant to Fla. R. Crim. P. 3.220, and submits the following information.

1. The names and addresses of all persons known to the prosecutor to have information which may be relevant to the offenses charged, and to any defense with respect thereto, are as follows:

+ — indicates victim

\* — indicates witness is under the age of 18

**Detective Richard T. White, Lee County Sheriff's Office, Fort Myers, FL 33912 Category A**

Together with any other persons named in any investigative or laboratory reports or other documents furnished in compliance with Discovery Rules.

**All court filings from Lee County Court Case 17-MM-00815 and 17-CA-000421**

2. An affirmative response will appear below for each subparagraph listing items in the State's possession or control.
  - a. ☐ Material or information provided by confidential informant, the name(s) of confidential informant(s) will *NOT* be supplied unless the state intends to use same as witness(es) at the trial or unless required by court order after notice and hearing.
  - b. ☐ Electronic surveillance of premises of accused or of conversations to which accused was a party. (Documents relating thereto.)
  - c. ☐ Search and seizure. (Documents relating thereto.)
3. All tangible papers, objects and statements provided under Fla.R.Crim.P.3.220(b) may be inspected, photographed or tested, upon signed receipt for same during the regular and ordinary business hours at
  - a. State Attorney's Office, Fort Myers.

**And/or**

b. Lee County Sheriff's Office

Certificates of Assurance for the applicable Alcohol Reference Solution and all relevant intoxilyzer documentation may be inspected, copied, tested, or photographed at the office of the State Attorney, 20th Judicial Circuit. Please provide the undersigned 48 hours (excluding weekends and holidays) written notice of the time you will appear for inspection of the documents.

Certificates of Assurances for the applicable Alcohol Reference Solutions are maintained by the Florida Department of Law Enforcement in Tallahassee but are available online at <https://www.fdle.state.fl.us/cms/Alcohol-Testing-Program/Intoxilyzer-8000-Records.aspx>. Intoxilyzer records, including inspection data, are available in the public records section in the Alcohol Testing Program portion of the FDLE website available online at the above listed web address.

Please give the undersigned 48 hours (excluding weekends and holidays) written notice of the time you will appear for inspection of the disclosures herein.

This document serves as authorization for the attorney for the defendant or his designated representative, to conduct the said discovery of tangible papers, objects and statements in the above-styled cause, with reference to:

**Agency Number: Lee County Sheriff's Office**

4. The State has herein submitted its witness list and expects the defense to submit its witness list, with names and addresses, within fifteen (15) days as provided in R.Cr.P.3.220(d)(1), or promptly upon receipt of such information. Please notify the undersigned Assistant State Attorney within fifteen (15) days, or promptly upon receipt of such information, whether you have in your possession or control any of the following:
  - a. The Statement of any person whom the Defendant expects to call as a witness at a trial or hearing.
  - b. Reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons.
  - c. Any tangible papers or objects, which the Defendant intends to use in a hearing or trial.

RE: SCOTT ALAN HUMINSKI, 17-MM-000815

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Discovery Disclosure has been furnished to Zachary Miller, Attorney for the Defense, Office of Criminal Conflict & Civil Regional Couns, 2101 McGregor Boulevard, Suite 101, Fort Myers, FL 33901, by United States Mail/Hand Delivery/Electronic Transmission this February 5, 2018.

STEPHEN B. RUSSELL  
STATE ATTORNEY

BY: /s/ Anthony W. Kunasek  
Anthony W. Kunasek  
Assistant State Attorney  
Florida Bar Number 0026999  
2000 Main Street, 6th Floor  
Fort Myers, Florida 33901  
(239) 533-1000  
eService: ServiceSAO-LEE@sao.cjis20.org

AWK:BH

AWK:bh

**IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA**

**STATE OF FLORIDA**

**v.**

**CASE NO: 36-2017-MM-000815**

**SCOTT ALAN HUMINSKI**

**REGIONAL COUNSEL'S MOTION TO WITHDRAW  
AND REQUEST FOR THE APPOINTMENT OF PRIVATE ATTORNEY**

Comes the undersigned attorney on behalf of defendant who moves the court to withdraw as counsel for defendant on account of a conflict of interest. The basis of the conflict is as follows:

- ☐ This defendant is expected to be called as a state's witness in another case in which ORC is already counsel of record for the other party;
- ☐ A state's witness in this case is a former client of the ORC and an aspect of the witness' character may be at issue;
- ☐ The ORC interviewed this defendant and obtained confidential information before discovering a conflict of interest affecting an existing client of the ORC;
- ☐ The ORC is representing a co-defendant and joint representation is not possible;
- ☐ Other: \_\_\_\_\_

Pursuant to Section 27.5303(1)(e), Florida Statutes, the undersigned certifies that there is no viable alternative to withdrawal from representation, and that the ORC or his designee has approved in writing the filing of this motion to withdraw.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy hereof has been furnished by e-mail to the Office of the State Attorney ServiceSAO-Lee@sao.cjis20.org on October 27, 2017.

\_\_\_\_\_  
By: Zachary Miller  
Assistant Regional Counsel  
Fla. Bar No. 118339  
2101 McGregor Blvd Ste 101  
Fort Myers, FL 33901  
Tel. (239) 208-6925  
Fax (207) 554-1128



**IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA**

**STATE OF FLORIDA**

**v.**

**CASE NO: 36-2017-MM-000815**

**SCOTT ALAN HUMINSKI**

**ORDER APPOINTING CONFLICT COUNSEL**

**THE COURT** has been advised that the Office of Criminal Conflict and Civil Regional Counsel (ORC) has been appointed to represent the Defendant in this cause and that ORC has a conflict which precludes representation of the above defendant.

**NOW, THEREFORE, BASED ON THE REGISTRY LIST MAINTAINED BY THE CLERK, IT IS ORDERED THAT:**

1. \_\_\_\_\_ is appointed as attorney for **SCOTT ALAN HUMINSKI.**

The address of said attorney is :

2. All billings are to be submitted in accordance with requirements of the Justice Administrative Commission.

**DONE AND ORDERED IN \_\_\_\_\_, FLORIDA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017 .**

\_\_\_\_\_  
Hon. James R. Adams, County Court Judge

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished to the Office of the State Attorney, 2000 Main Street, 6th Floor, Fort Myers, Florida 33901; to Office of Regional Conflict Counsel, 2101 McGregor Blvd, 2nd Floor, Fort Myers, Florida 33901; to the newly appointed attorney at the address listed above; to the Justice Administrative Commission; to the Honorable Mike Scott, Sheriff of Lee County, Lee County Justice Center, Jail Division, Fort Myers, Florida; dated this \_\_\_\_ day of \_\_\_\_\_.

Linda Doggett  
Clerk of the County Court

By: \_\_\_\_\_  
Deputy Clerk

**IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA**

**STATE OF FLORIDA**

**v.**

**CASE NO: 36-2017-MM-000815**

**SCOTT ALAN HUMINSKI**

**REGIONAL COUNSEL'S AMENDED MOTION TO WITHDRAW  
AND REQUEST FOR THE APPOINTMENT OF PRIVATE ATTORNEY**

Comes the undersigned attorney on behalf of defendant who moves the court to withdraw as counsel for defendant on account of a conflict of interest. The basis of the conflict is as follows:

1. Undersigned attorney has called the Florida Bar Attorney Ethics hotline, and has been instructed by the Florida Bar (verification #467221) that this attorney should move to withdraw from this case, pursuant to the Florida Rules of Professional Conduct 4.17. Any further divulgence of information regarding the reason for this motion would involve impermissably divulging information protected by lawyer-client confidentiality.

2. "... Under current law, section 27.5303(1)(a) allows for a limited inquiry into a withdrawal motion caused by representation of multiple defendants whose interests are adverse. **But section 27.5303(1)(a) expressly limits the inquiry to those matters that are not 'confidential'** (Emphasis added). The assistant public defender laid out the legal basis of the conflict in the certification, provided proof that he had contacted the Florida Bar's conflict hotline, and established that he had been diligent in certifying conflict. There is no suggestion on this record that the trial court disbelieved, or had reason to disbelieve, any of these representations." *Young v. State*, 189 So. 3d 956 (Fla. 2d DCA 2016)

"The trial court departed from the essential requirements of the law by inquiring as to attorney-client privileged information as to the nature of the conflict. It was required to grant the motion to withdraw so that Mr. Young would not be forced to proceed to trial with an attorney who is 'ethically conflicted.'" *Young v. State, Id.*

3. The undersigned hereby certifies that there is no viable alternative to withdrawal from representation.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy hereof has been furnished by e-mail to the Office of the State Attorney ServiceSAO-Lee@sao.cjis20.org on January 1, 2018.

/s/ Zachary Miller

By: Zachary Miller

Assistant Regional Counsel

Fla. Bar No. 118339

2101 McGregor Blvd Ste 101

Fort Myers, FL 33901

Tel. (239) 208-6925

Fax (207) 554-1128

**IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA**

**STATE OF FLORIDA**

**v.**

**CASE NO: 36-2017-MM-000815**

**SCOTT ALAN HUMINSKI**

**ORDER APPOINTING CONFLICT COUNSEL**

**THE COURT** has been advised that the Office of Criminal Conflict and Civil Regional Counsel (ORC) has been appointed to represent the Defendant in this cause and that ORC has a conflict which precludes representation of the above defendant.

**NOW, THEREFORE, BASED ON THE REGISTRY LIST MAINTAINED BY THE CLERK, IT IS ORDERED THAT:**

1. \_\_\_\_\_ is appointed as attorney for **SCOTT ALAN HUMINSKI**.

The address of said attorney is :

2. All billings are to be submitted in accordance with requirements of the Justice Administrative Commission.

**DONE AND ORDERED IN \_\_\_\_\_, FLORIDA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018 .**

\_\_\_\_\_  
Hon. James R. Adams, County Court Judge

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished to the Office of the State Attorney, 2000 Main Street, 6th Floor, Fort Myers, Florida 33901; to Office of Regional Conflict Counsel, 2101 McGregor Blvd, 2nd Floor, Fort Myers, Florida 33901; to the newly appointed attorney at the address listed above; to the Justice Administrative Commission; to the Honorable Mike Scott, Sheriff of Lee County, Lee County Justice Center, Jail Division, Fort Myers, Florida; dated this \_\_\_\_ day of \_\_\_\_\_.

Linda Doggett  
Clerk of the County Court

By: \_\_\_\_\_  
Deputy Clerk

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA                      CRIMINAL JUSTICE DIVISION**

**STATE OF FLORIDA**

**v.**

**CASE NO: 2017-MM-815**

**SCOTT ALAN HUMINSKI**

**MOTION**

Comes now **SCOTT ALAN HUMINSKI**, Defendant in the above styled and numbered cause,  
by and through the undersigned attorney, moves the Court to

**WHEREFORE**, Defendant prays that

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy hereof has been furnished to the Office of the State  
Attorney at 2000 Main Street, 6th Floor, Fort Myers, Florida 33901, by mail or hand delivery on  
January 8, 2018.

Office of Regional Conflict Counsel  
Ita M Neymotin, Attorney for Defendant  
2101 McGregor Blvd Ste 101  
Fort Myers, FL 33901  
Tel. (239) 533-1500  
Fax (239) 533-1501

By: \_\_\_\_\_  
Zachary P Miller  
Florida Bar No. 118339

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT**  
**IN AND FOR LEE COUNTY, FLORIDA**      **CRIMINAL JUSTICE DIVISION**

**STATE OF FLORIDA**

**v.**

**CASE NO: 2017-MM-815**

**SCOTT ALAN HUMINSKI**

**NOTICE OF HEARING**

**TO:   Office of the State Attorney**  
**Twentieth Judicial Circuit**

NOTICE is hereby given that a hearing is set in the above-entitled and numbered case for    at   at  
which time the Court shall consider

Respectfully submitted,

Office of Regional Conflict Counsel  
Ita M Neymotin, Attorney for Defendant  
2101 McGregor Blvd Ste 101  
Fort Myers, FL 33901  
Tel. (239) 533-1500  
Fax (239) 533-1501

By: \_\_\_\_\_  
Zachary P Miller  
Florida Bar No. 118339

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL COUNTY  
IN AND FOR LEE COUNTY, FLORIDA                      CRIMINAL JUSTICE DIVISION**

**STATE OF FLORIDA**

**v.**

**CASE NO: 2017-MM-815**

**SCOTT ALAN HUMINSKI**

**ORDER**

On January 8, 2018, the Court considered the Regional Counsel's Motion to Withdraw, and is of the opinion that said motion be GRANTED.

Signed and entered this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Honorable Judge James R. Adams

cc:    Office of Regional Counsel  
      State Attorney

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT**  
**IN AND FOR LEE COUNTY, FLORIDA**                      **CRIMINAL JUSTICE DIVISION**

**STATE OF FLORIDA**

**v.**

**CASE NO: 2017-MM-815**

**SCOTT ALAN HUMINSKI**

**NOTICE OF HEARING**

TO:    Office of the State Attorney  
         Twentieth Judicial Circuit

NOTICE is hereby given that a hearing is set for a                      , at                      on                      , 2017 , in  
Courtroom    at the Lee County Justice Center before the Honorable James R. Adams.

Dated November 7, 2017

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy hereof has been furnished by e-mail to the Office of the State Attorney at ServiceSAO-LEE@sao.cjis20.org on November 7, 2017.

Office of Regional Conflict Counsel  
Ita M Neymotin, Attorney for Defendant  
2101 McGregor Blvd Ste 101  
Fort Myers, FL 33901  
Tel. (239) 208-6925  
Fax (239) 963-1220

By: \_\_\_\_\_  
Zachary P Miller  
Florida Bar No. 118339

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Court Operations Manager whose office is located at Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida 33901, and whose telephone number is (239) 533-1700, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.



**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA                      CRIMINAL JUSTICE DIVISION**

**STATE OF FLORIDA**

**v.**

**CASE NO: 2017-MM-815**

**SCOTT ALAN HUMINSKI**

**NOTICE OF HEARING**

TO:    Office of the State Attorney  
         Twentieth Judicial Circuit

NOTICE is hereby given that the Defendant has scheduled a hearing in this matter before the Honorable Judge James R. Adams, at the Lee County Justice Center, Fort Myers, FL., as follows:

Hearing:        Amended Motion to Withdraw  
Date:            Monday, January 8, 2017  
Time:            8:30AM  
Courtroom:     2A

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy hereof has been furnished to the Office of the State Attorney at 2000 Main Street, 6th Floor, Fort Myers, Florida 33901, by mail or hand delivery on January 3, 2017.

Office of Regional Conflict Counsel  
Ita M Neymotin, Attorney for Defendant  
2101 McGregor Blvd Ste 101  
Fort Myers, FL 33901  
Tel. (239) 533-1500  
Fax (239) 533-1501

By: /s/ Zachary Miller  
Zachary P Miller  
Florida Bar No. 118339

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Court Operations Manager whose office is located at Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida 33901, and whose telephone number is (239) 533-1700, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND  
FOR LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA

CASE NO: 17-MM-815

vs.

SCOTT HUMINSKI

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NOTICE OF INTENT TO SEEK COMPULSORY JUDICIAL NOTICE

COMES NOW the STATE OF FLORIDA, by and through the undersigned Assistant State Attorney, pursuant to F.S. 90.202 and F.S. 90.203, hereby serves notice of its intent to seek compulsory judicial notice of the following:

1. Contents of the Lee County, Twentieth Judicial Circuit, Civil Court File # 17CA421, including, but not limited to, all pleadings, all filings, all orders.

STEPHEN B. RUSSELL  
STATE ATTORNEY

BY: /s/ Anthony W. Kunasek  
Anthony W. Kunasek  
Assistant State Attorney  
FL Bar No. 0026999  
Post Office Box 399  
Fort Myers, Florida 33902  
(239) 533-1000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to Zachary Miller, Office of Criminal Conflict & Civil Regional Counsel, Attorney for Defendant, 2101 McGregor Blvd., Ste 101, Fort Myers, Florida 33901 by United States Mail/Florida Courts eFiling Portal this 2<sup>nd</sup> day of November, 2017.

/s/ Anthony W. Kunasek  
Anthony W. Kunasek  
Assistant State Attorney

KS/ZV

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY,  
FLORIDA

STATE OF FLORIDA

CASE NO. 17-MM-000815 (JRA)

vs.

SCOTT ALAN HUMINSKI

**ORDER ALLOWING PUBLIC DEFENDER TO WITHDRAW AS COUNSEL  
BASED UPON CONFLICT OF INTEREST AND APPOINTMENT OF REGIONAL COUNSEL**

THIS CAUSE having come on to be heard on the Public Defender's Certification of Conflict and the Court being duly advised in the premises, it is hereby:

**ORDERED AND ADJUDGED** as follows:

1. That the Public Defender's Certification of Conflict is granted.

That Office of Regional Conflict Counsel, whose business address is 2101 McGregor Boulevard, Fort Myers, FL 33901, (239) 208-6925, is hereby appointed as Counsel for the Defendant in this cause.

2. Defendant is to call and make an appointment with the Office of Regional Conflict Counsel at (239) 208-6925 within 7 days of this order.

DONE AND ORDERED this 29 day of September, 2017.

  
James R. Adams

Judge of the County Court

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the Anthony W. Kunasek, Assistant State Attorney, 2000 Main Street, 6th Floor, Fort Myers, FL 33901; to the Honorable Kathleen A. Smith, Public Defender, P. O. Drawer 1980, Fort Myers, Florida 33902-1980; to the Justice Administrative Commission, Post Office Box 1654, Tallahassee, Florida 32302; to the Regional Counsel Office, 2000 West Main Street, Suite 500, Fort Myers, FL 33901; and to the Defendant (C/O: 24544 Kingfish Street, Bonita Springs, FL 34134) this 29th day of September, 2017.

Linda Doggett  
Clerk of the County Court

By: 

Deputy Clerk

KS/ZV

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE  
COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO. 17-MM-000815 (JRA)

vs.

SCOTT ALAN HUMINSKI

**CERTIFICATION OF CONFLICT**

**COMES NOW**, Kathleen A. Smith, Public Defender, and pursuant to Valle v. State, 763 So.2d 1175 (Fla. 4<sup>th</sup> DCA 2000) and certifies to this Honorable Court the following:

The Public Defender has been appointed to represent the Defendant, Scott Alan Huminski.

After a careful investigation and weighing of the facts of this case, the Public Defender has conclusively determined that the interests of Scott Alan Huminski are so adverse and hostile to those of another client and/or an attorney within the Office of the Public Defender that a conflict of interest exists.

As a result of this conflict of interest, the Public Defender cannot adequately or ethically continue to represent the Defendant.

**WHEREFORE**, the Public Defender certifies to this Honorable Court that the Office of the Public Defender can no longer represent the Defendant due to this conflict of interest and requests that a Regional Counsel be appointed pursuant to 27.53(3), Florida Statutes (1995) and Babb v. Edwards, 412 So.2d 859 (Fla. 1982).

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished to the Anthony W. Kunasek, Assistant State Attorney, 2000 Main Street, 6th Floor, Fort Myers, FL 33901; this 27th day of September, 2017.

KATHLEEN A. SMITH  
Public Defender  
2000 Main Street  
Fort Myers, FL 33902-1980  
(239) 533-2911

By:   
Of Counsel - Kevin John Sarlo  
Florida Bar No. 0126369

IN THE COUNTY COURT OF THE STATE OF FLORIDA  
IN AND FOR LEE COUNTY

STATE OF FLORIDA

vs.

CASE NO. 2017-MM-815

Scott Alan Huminski  
\_\_\_\_\_ /

**NOTICE OF APPEARANCE, WAIVER OF ARRAIGNMENT, WRITTEN PLEA  
OF NOT GUILTY, AND DEMAND FOR DISCOVERY**

COMES NOW, Edward Kelly Office of Criminal Conflict and Civil Regional Counsel,  
and hereby enters an appearance on behalf of Scott Alan Huminski.

WAVIER OF ARRAIGNMENT. The Defendant, by and through the undersigned  
attorney, hereby waives the arraignment and requests a jury trial in the above styled action.

WRITTEN PLEA OF NOT GUILTY. The Defendant enters a written plea of Not Guilty  
pursuant to Rules 3.160(a) and 3.170(a), Fla.R.Crim.P.

DEMAND FOR DISCOVERY. The Defendant demands discovery pursuant to Rule  
3.220, Fla.R.Crim.P.

I HEREBY CERTIFY that the original of the foregoing has been furnished to the parties  
listed below on 01/08/2018:

Office of the State Attorney

/s/ Edward Kelly

\_\_\_\_\_  
Edward Kelly, FL Bar No.871818  
Office of Criminal Conflict & Civil Regional Counsel  
2101 McGregor Blvd Ste 101  
Fort Myers, FL 33901  
(239) 208-6925  
ekelly@flrc2.org

IN THE COUNTY COURT OF THE STATE OF FLORIDA  
IN AND FOR LEE COUNTY

STATE OF FLORIDA

vs.

CASE NO. 2017-MM-815

Scott Alan Huminski  
\_\_\_\_\_ /

**NOTICE OF APPEARANCE, WAIVER OF ARRAIGNMENT, WRITTEN PLEA  
OF NOT GUILTY, AND DEMAND FOR DISCOVERY**

COMES NOW, Zachary P Miller, Office of Criminal Conflict and Civil Regional Counsel, and hereby enters an appearance on behalf of Scott Alan Huminski.

WAVIER OF ARRAIGNMENT. The Defendant, by and through the undersigned attorney, hereby waives the arraignment and requests a jury trial in the above styled action.

WRITTEN PLEA OF NOT GUILTY. The Defendant enters a written plea of Not Guilty pursuant to Rules 3.160(a) and 3.170(a), Fla.R.Crim.P.

DEMAND FOR DISCOVERY. The Defendant demands discovery pursuant to Rule 3.220, Fla.R.Crim.P.

I HEREBY CERTIFY that the original of the foregoing has been furnished to the parties listed below on 10/03/2017:

Office of the State Attorney

/s/ Zachary Miller

\_\_\_\_\_  
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